UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,336	04/20/2001	Francis M. Anton, Jr.	0269919 HC-002	1893

			EXAMINER
24943	7590	04/13/2004	DAS, CHAMELI

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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	
Office Action Summary		09/839,336	ANTON, JR., FRANCIS M.	
		Examiner	Art Unit	
		C.DAS	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 April 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>3</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-24 are pending.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Shuen,

US 5,572,528.

As per claim 1, Shuen discloses:

- *an access point device for making a wireless connection between a*

     mobile computer and a communication network (column 8, lines 62-67

     and column 9, lines 1-5, "The *mobile node* may obtain from the home router

     or from a *network* server a network number identifying a network to which the

     mobile node ... *wireless access points*") and (column 14, lines 40-55, "The

     use of *access points* 312 permits creation of *wireless networks* ...

     networks 325"), where *mobile nodes* are *the mobile computers* (column 1,

     lines 6-8, "This invention relates to computer networks and, more particularly,

     to novel systems and methods for connecting a *computer as a node* on a

     network")

- *a memory containing first device management software for providing a device management functions (column 18, lines 52-55,* "Multiple tables 367 having a variety of binding information relating to an entire internetwork 302 may be stored on a storage device 296, or *memory device* 294 within a computer 290 hosting software, all of which comprise a router 310") and Fig 3.

- *loading apparatus for loading second software through said network for replacing first software* (column 6 lines 48-50, "It is an object of the invention to provide simultaneous *loading of,* and dynamic switching between, ... for accessing a network") and (column 7, lines 18-21, "It is another object of the invention to provide for connection of a mobile node while requiring a *reduced amount of software and upgrading of such software for supporting devices,* such as routers, for example, in an internetwork"), where requiring a reduced amount of software and upgrading software inherently including loading apparatus for loading software as claimed and (column 31, lines 1-12, "Major version difference ... software in the mobile host 320 is upgraded") and (column 32, lines 14-20, "the mobile host receives the packet 400. The mobile host 320 *then replaces the destination network number 436 in the header* 412 with the virtual network number 352 *and uploads the packet* 400 to the appropriate application running on the mobile host").

As per claim 2, Shuen discloses:

- *a server including apparatus for receiving data input from a computer ...
  network* (column 33, lines 40-46, "the *server 308 will accept changes* of
  workstation address ... sub-optimal routing").

As per claim 3, Shuen discloses:

- *device further includes version checker apparatus for checking a
  version or second software ... different from a version of said first
  software (column 31, lines 1-11, "Major version difference are indicated by
  the major version number* 450A in the header 412. A *difference in major
  version* 450A between software packages typically means that significant
  changes have occurred which make a software version incompatible with
  earlier version. A mobile host 320 will receive an incompatible version error
  from the home router 340 if the *major version number 450A of the mobile
  host 320 is different from that of the major version 450A of the home
  router 340*. The mobile host 320 may notify the user that mobile support
  cannot be provided unless the software in the mobile host 320 is upgraded")
  and (column 32 lines 16-25, " The mobile host 320 then replaces the
  destination network number 436 in the header 412 with the virtual network
  number 352 and *uploads* the packet ... mobile host").

As per claim 4, Shuen discloses:

- *first authentication apparatus for authenticating an identity of said
  server to said device (column 33, lines 40-45, "the server 308 will accept
  changes of workstation address. As soon as a mobile host 320 roams to a

different network 300, the mobile host 320 may send, through an

authenticated channel, a new local address 370 **to the server** 308. The

server 308 will send packets 400 directly to the mobile 320 host's local

address 370").

As per claim 5, Shuen discloses:

- second authentication apparatus ... server device (column 33, lines

40-45, "the server 308 will accept changes of workstation address. As soon as a

mobile host 320 roams to a different network 300, the mobile host 320 may send,

through an **authenticated** channel, a new local address 370 **to the server** 308.

The server 308 will send packets 400 directly to the mobile 320 host's local

address 370").

Regarding claim 6, (Shuen, column 7, lines 25-29, "It is an object of the

invention to **automatically configure a network** to address roaming nodes according

to a method transparent to a user, without requiring intervention by a user in creating or

identifying network addresses of a node in a primary, secondary or tertiary network").

Regarding claim 7, (column 19, lines 34-40, "A user must typically **log off** and

then log on every time the physical connection is broken between a node 330 and a

network 300. Even in the most advanced networks, an address 350 is limited to the

network 300 to which the node 330 is physically connected. A node 330 may not have

two addresses at once. Addresses are sometimes user-specific"), where "log off" is the

shut-down for stopping an acceptance of loading".

Regarding claim 8, (column 27, lines 63-65 – column 28, lines 1-5), where the "time to live" is the preset time (column 23, lines 55-59, " The time to time to live value ... The user of the system, according to his or her working pattern **may set the time to live value** 448 accordingly").

Regarding claim 9, Shuen discloses:

- **first storing a first device management ... in memory in said device (column 18, lines 52-55,** "Multiple tables 367 having a variety of binding information relating to an entire internetwork 302 may be stored on a storage device 296, or **memory device** 294 within a computer 290 hosting software, all of which comprise a router 310") and Fig 3.

- **Loading a second device ... for replacing said first software** (column 6 lines 48-50, "It is an object of the invention to provide simultaneous **loading of**, and dynamic switching between, ... for accessing a network") and (column 7, lines 18-21, "It is another object of the invention to provide for connection of a mobile node while requiring a **reduced amount of software and upgrading of such software for supporting devices**, such as routers, for example, in an internetwork"), where requiring a reduced amount of software and upgrading software inherently including loading apparatus for loading software as claimed and (column 31, lines 1-12, "Major version difference ... software in the mobile host 320 is upgraded") and (column 32, lines 14-20, "the mobile host receives the packet 400. The mobile host 320 **then replaces the destination network number 436 in the header** 412 with the

virtual network number 352 *and uploads the packet* 400 to the appropriate

application running on the mobile host").

Claims 10-16 are the method claims corresponding to the system claims 2-8

and rejected for the same reason set forth in connection of the rejection of claims

2-8 respectively.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 17, 19- 24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Shuen, US 5,572,528 and further in view of the official notice.

As per claim 17, Shuen discloses:

- an access point device ... network (column 8, lines 62-67 and column 9, lines

1-5, "The *mobile node* may obtain from the home router or from a *network*

server a network number identifying a network to which the mobile node ...

wireless access points") and (column 14, lines 40-55, "The use of *access*

points 312 permits creation of *wireless networks* ... networks 325"), where

mobile nodes are *the mobile computers* (column 1, lines 6-8, "This invention

relates to computer networks and, more particularly, to novel systems and

methods for connecting a *computer as a node* on a network") and the computers are associated with a user (column 14, lines 65-67).

- *first device management software ... function* (column 7 lines 18-24, "It is another object of the invention to provide for connection of a mobile node while requiring a reduced amount of <u>software,</u> and upgrading of such <u>software,</u> for supporting <u>devices,</u> such as routers, for example, in an internetwork").

- *access device loading ... first software (*(column 6 lines 48-50, "It is an object of the invention to provide simultaneous *loading of*, and dynamic switching between, ... for accessing a network") and (column 7, lines 18-21, "It is another object of the invention to provide for connection of a mobile node while requiring a *reduced amount of software and upgrading of such software for supporting devices*, such as routers, for example, in an internetwork"), where requiring a reduced amount of software and upgrading software inherently including loading apparatus for loading software as claimed and (column 31, lines 1-12, "Major version difference ... software in the mobile host 320 is upgraded") and (column 32, lines 14-20, "the mobile host receives the packet 400. The mobile host 320 *then replaces the destination network number 436 in the header* 412 with the virtual network number 352 *and uploads the packet* 400 to the appropriate application running on the mobile host").

- *authorization server apparatus... source network* (column 13, lines 49-64, "Networks 300 may include lines 306 connecting to various nodes 330.

However, in general, the carriers 304 may include <u>access points</u> 312 ... Thus,

an <u>access point</u> 312 and <u>access point</u> card 326 together with the

electromagnetic waves by which they interconnect may comprise a carrier

304 for the purposes of a network 300"), authorization server is shown in

column 33, lines 52-59).

Shuen discloses the secure system and authorization of the system. Shuen

does not specifically disclose authorizing a user. However, official notice is taken

for authorizing a user. The modification would be obvious because one of the

ordinary skill in the art would be motivated to protect the system from

unauthorized users.

- remote maintenance server ... access point device (column 6 lines 65-68,

column 7 lines 1-20, column 33, lines 40-46, column 26 lines 37-49).

discloses shut down for stopping acceptance of new loading (column 3, lines 20-

50).

For claim 19, see the rejection of claim 3 above.

For claim 20, see the rejection of claim 4 above.

For claim 21, see the rejection of claim 5above.

Regarding claim 22, Shuen discloses performing checking (Column 26, lines

12-14) and loading (column 6 lines 48-50). Shuen does not specifically disclose

automatically performing. However, official notice is taken for automatically performing

the task. The modification would be obvious because one of the ordinary skill in the art

would be motivated to reduce or eliminate the human intervention to complete the task.

For claim 23, see the rejection of claim 7 above.

For claim 24, see the rejection of claim 8 above.

6.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shuen,

US 5,572,528 and further in view of the official notice and Haff (US 6,219,669).

Regarding claim 18

- source network server apparatus ... said request (column 23, lines 43-46,

column 23, lines 60-65, column 25 lines 15-49)

- redirection server ... request (column 29, lines 29-34, column 33 lines 30-45)

- authentication server... access said Internet (column 33, lines 30-45,

column 25, lines 38-50), where the mobile host receives no sign-on response shows

that the unauthorized user and the mobile host can select the router to access in the

Internet shows that authorizing the unauthorized mobile user to access in the Internet.

Shuen does not specifically disclose gate keeper server. However, Haff

discloses the gate keeper server (column 7 lines 42-44). The modification would be

obvious because one of the ordinary skill in the art would be motivated to verify the

identification of the authorized user to protect the network service.

7.   The prior art made or record and not relied upon is considered pertinent to

applicant' s disclosure.

TITLE: Method and apparatus to automatically deinstall an application module when not
functioning, US 6453469 B1

TITLE: Method and system for identifying and obtaining computer software from a remote computer, US 6327617 B1

TITLE: Remote maintenance method and remote maintenance apparatus, US 6263497

TITLE: Method for identifying and obtaining computer software from a <u>network</u> computer, US 6049671 A

TITLE: System and method for customizing wireless communication units, US 6138009

TITLE: Method and system for installing and updating program module components, US 5974454 A

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 703-305-1339.

The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30 P.M.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 703-305-4552. The fax number for this group is (703) 872-9306.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.

CHAMELI C. DAS
PRIMARY EXAMINER

Art Unit 2122

4/6/04